

no fee
paid

Maria De Gortari
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fresno ca 93722
Ph No; (678) 848 5478
Email: Mariag40@microsoft.com

In Pro Per

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

IN RE SEIZURE OF \$303,060.00 US
CURRENCY
(Defendant)

WARREN POLICE DEPARTMENT
(Seizing Agency)

Case: 2:23-mc-50975
Judge: Grey, Jonathan J.C.
MJ: Altman, Kimberly G.
Filed: 05-19-2023
MOTION FOR RETURN OF SEIZED PROPERTY
BY MARIA DE GORTARI (DP)

NOTICE OF MOTION FOR RETURN
OF SEIZED PROPERTY
18 USC CODE 983 Civil Rules For Civil
Forfeiture; 18 US Code Sect. 983.

MARIA DE GORTARI
(Person at Interest)

Date:
Time:
Location:
Judge:

TO THE HONORABLE CLERK OF COURT ALONG WITH SEIZING AGENCY AND
ATTORNEY OF RECORD: NOTICE is hereby given, movant/the person of interest listed
above, intends to bring a motion to the court requesting an order for the return of the property
listed above and herein which is being illegally withheld from her.
The motion enclosed is based upon movant's declaration, along with memorandum of points
and authorities.

Movant is indigent and requests the court waiver all filing fees till further notices. Request for
such waiver enclosed.

DATE: 5-10-23

Respectfully Submitted

MGR

Maria De Gortari
4443 Avalon Ave Apt 102
Fresno Ca 93723

NOTICE- Page 2

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MOTION FOR RETURN OF SEIZED PROPERTY
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v

WARREN POLICE DEPARTMENT
(Seizing Agency)

MOTION FOR THE RETURN OF
SEIZED PROPERTY.
US CODE 983 Civil Rules For
Civil Forfeiture.

Date:
Time:
Location:
Judge:

Maria De Gortari
(Person at Interest)

DECLARATION IN SUPPORT

MEMORANDUM OF POINTS AND AND
AUTHORITIES IN SUPPORT.

Movant proceeding with this matter in pro per personia, being aggrieved by an illegal search where property in my posession namely the sum of three hundred and three thousand and sixty dollars in US currency were taken from me by the seizing agency mentioned above, where such search was executed without warrant, hereby based upon the contents of this document, respectfully moves this honorable court for an order returning said property based on the grounds she is entitled to lawful possession thereof.

MOVANT'S DECLARATION ALONG WITH MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT FOLLOWS:

MOVANT'S DECLARATION

I Maria De Gortari person at interest in this matter declares as follows

1. I am the person at interest from whom \$303,060.00 was taken from.
2. On July 27th, 2021, at approximately 5:00 pm as I was driving a Fox rental vehicle just outside the city of Detroit, I was pulled over by law enforcement officers from the Warren Police Department. (See attached) Upon my inquiry as to why I was being pulled over, I was told that my vehicle (the fox rental) its tags were expired.
3. I insisted this had to have been impossible due to the fact the vehicle was indeed a rental.
4. Nevertheless, I was ordered from the vehicle, where a search was performed by these Officers who had stopped me, where during this search, a duffel bag containing \$303,060.00 Was discovered inside the back trunk of the vehicle.
5. Immediately I was detained and taken to their headquarters, and questioned at minimum a With regards to where this large sum of money came from to which I replied that such was Money saved up from business transactions by certain companies during the pandemic Due to the Mexican border being closed during the time.
6. Throughout the entire ordeal, I was afraid, and never resisted.
7. After they had counted the money, I was given a receipt. (see attached), and taken to my Hotel. They kept the car, my cell phone, and the money. (Rental car receipt attached)
8. The funds which was taken (seized) \$303,060.00 US Currency was not connected to any type of criminal offense, and it should not have been taken from me.
9. I am indigent at this time, and request the court waive all court fees till further notices.

I Declare under penalty of perjury that the foregoing is true and correct.

DATE 5-10-23

DECLARANT MG
(Person at Interest: Maria De Gortari)

MEMORANDUM OF POINTS AND AUTHORITIES

- A. BECAUSE THERE EXISTS NO LEGAL NEXUS BETWEEN THE PROPERTY AT ISSUE AND ILLEGAL ACTIVITY. THE PROPERTY SHOULD HAVE NEVER EVEN BEEN SEIZED.
- B. ABSENT STRICT APPLICATION OF THE GENERAL RULES OF CIVIL PROCEEDING GOVERNING SEIZURES AND FORFEITURE, WITH REGARDS TO TIME LIMITATIONS TO BRING A FORFEITURE PROCEEDING HEARING< THE SAID PROPERTY AT ISSUE MUST AS A MATTER OF THE RILKE OF LAW, BE RETURNED TO MOVANT. 18 USC SECT 983.

The records in this case would reveal approximately two years to date since the seizure of said property took place.

The records in this case would reveal absolutely no forfeiture proceedings were had with regards to the said property seized in this case.

Based upon this major defect standing alone, the property at issue should be ordered returned to the movant forthwith.

Additionally:

Movant would respectfully argue that no forfeiture proceedings were initiated simply because the government cannot possibly prove a nexus between the property at issue and any type of illegal activity as taught by the rule of law 18 USC sect 983.

Such seizure resulting in the deprivation of the party at interest right to the property accordingly violates movant's fourth, fifth, and eighth amendment as against a fundamental element of due process.

It being clear from the record and chain of events established thus far in an approximate of two years, absolutely failure by the government agency as is a requirement of law, to show on the record any substantial reasonings to withhold said property, other than its a lot of money, for which the U S Supreme court forbids in its holding, "Lots of money is not sufficient a basis in and of itself generally for forfeiture, nor seizure in the first instance", In light of this clear

omission which mandates itself for forfeiture. said property should be ordered returned to movant.

3

Finally, a view of the notice given movant some almost two years ago reveals this document defective as in having no force in that the total value of the property does exceed \$50,000. This bein said, all else upon the face of this document attached, becomes nullified and coin, simply because said document gives the type of notice which would be given in cases where the property does not exceed \$50,000.

Clearly here instantly, the property at issue is \$303,060.

The motion should be granted as a matter of law.

CONCLUSION

Wherefore and for all the foregoing, movant prays this honorable court orders the seizing agency or whomever has possession of the said property at issue to return all property plus interest to the movant/claimant in like manner: \$152,500.00 to an account of her choice, and the remainder to be sent to a credit union PNC bank account, both to be announced at a later date. Thus so would be movant/claimant prayer.

I declare under penalty of perjury that the foregoing is true and correct.

Date 5/10/23

Declarant: MG
Maria De Gortari
4443 Avalon Ave Apt 102
Fresno CA 93722

REQUEST FOR WAIVER OF COURT FEES

I, Maria De Gortari movant in this matter stands indigent at this time, and therefore cannot pay the court fees to bring this action. Accordingly, I'm respectfully requesting all fees be waived until such a time I can pay them. I promise to keep the court posted on any type of income I may come across.

I declare under penalty of perjury that the foregoing is true and correct.

DATE: 5.10.23

Declarant: MG
Maria De Gortari/Movant

RECORDED TO
2023170

NOTICE OF SEIZURE AND INTENT TO PURCHASE

The following described property has been seized pursuant to MCL 333.7521 et seq.

Phone Number

213-701-0031

Call for location

Complaint No	Property Value	Bond Amount	Seizing Officer
710035929			Sergeant
Date Seized	Date Notice Served		Date of Court Decision
7/27/2021	7/27/2021		8/27/2021
Address Where Seized: Street	City	State	Zip Code
611 B St	Warren	MI	48093
Description of Property			
BAK U.S. Currency # 303,060.00			

If the value of the seized property does not exceed \$50,000.00, it is the intent of the seizing agency to turn over the property to the state of Michigan as a result of the provisions of section 7 of the Public Health Code, 1978 P.A. 368 as amended, MCL 333.7521, et seq.

If you, or any person claiming an interest in the property, wish to challenge the seizure and forfeiture of the property or wish to claim an interest in the property, you must file a written claim with the seizing agency at the above address within 20 days after receipt of this notice and you must post a bond to the seizing agency in the amount specified above (10% of the value of the property, not less than \$250.00 nor more than \$5,000) with sureties approved by the seizing agency conditioned that in the case the property is ordered forfeited by the court, the claimant shall pay all the costs and expenses of the seizure and forfeiture. Upon receipt of a proper written claim and bond, a court action will be filed to decide the issue of forfeiture in accordance with MCL 333.7523. **WARNING: FAILURE TO FILE A CLAIM OF INTEREST AND BOND WITH SURETIES WITHIN THE 20 DAYS SHALL CAUSE THE LISTED PROPERTY TO BE DECLARED FORFEITED AND DISPOSED OF ACCORDING TO LAW.**

Any money seized for forfeiture may be deposited by the seizing law enforcement agency into an interest bearing account 60 days after you were served with this Notice. An attorney who represents you in this administrative matter, has 60 days from the date of this Notice upon you within which to examine any seized currency. At the conclusion of that period any seized money, if not already declared to be forfeited based on your failure to file a claim and post the required bond, will be deposited into an appropriate financial institution.

PROOF OF SERVICE

Person Served	Date Served
Magia De Gantay	7/27/2021
1000 Park Blvd S	7/27/2021
Printed Name of Server	Date Served
Sgt. 1000	7/27/2021

PROOF OF SERVICE

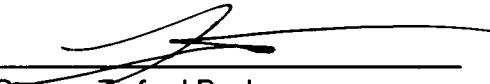
I, ZIGFRED BUCKS, an independent process server located in the state of California within the USA, Fresno 93321, hereby certify that on 5-10-23, I served a copy of the attached litigation; Notice, and Motion for the return of property by placing a copy thereof in a postage paid envelope addressed to persons hereinafter listed, by depositing said envelope in United States Mail in the City of Fresno California 93321;

SEIZING AGENCY:

Warren Police Dept
29900 S. Civic Center Blvd
Warren MI. 48093, USA

I declare under penalty of perjury that the foregoing is true and correct.

DATE: 5-10-23


Server: Zigmund Bucks

Maria De Mortid
4443 W. Aviion Ave #102
Fresno Ca 93722

U.S. DISTRICT COURT
CLERK'S OFFICE
MAY 19 2023
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U.S. MAIL
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Case

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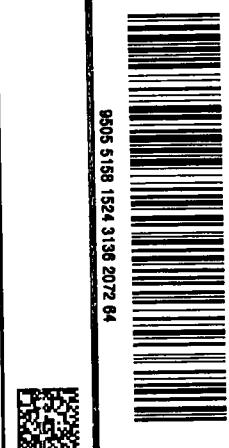
0 lb 3.80 oz
RDC 23

EXPECTED DELIVERY DAY: 05/18/23

C052

CLERK OF THE UNITED STATES DISTRICT COURT OF
THE DISTRICT OF MICHIGAN
231 W. LAFAYETTE BLVD
DETROIT MI 48226-2700

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